

DEC 16 2011

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JEFFREY E. WHITEBEY,) CASE NO. 7:11CV00105
vs.)
Plaintiff,) FINAL ORDER
R. A. SARGE, ET AL.,) By: Glen E. Conrad
Defendant(s).) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Plaintiff's motions to amend (ECF Nos. 29 and 37), which the court construes as amendments to plaintiff's response to defendants' summary judgment motion, are **GRANTED**;
2. For the reasons stated in the memorandum opinion, defendants' motion for summary judgment is **GRANTED** as to plaintiff's claims under the Fourth Amendment;
3. With the exception of the Fourth Amendment claims, plaintiff's other intended claims under federal law are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state any actionable claim;
4. Plaintiff's intended claims under state law are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1367(c);
5. For reasons stated in Footnote 13 of the memorandum opinion, the clerk is **DIRECTED** to remove from Case No. 7:10CV00150 the plaintiff's recent request for production of documents (ECF No. 24) and to docket it as such in this pending case, Case No. 7:11CV00105; but in light of the court's decision to grant summary judgment for the defendants,

this request for discovery and plaintiff's motion for appointment of counsel are **DISMISSED** as moot; and

6. This action is stricken from the active docket of the court.

ENTER: This 15th day of December, 2011.



Chief United States District Judge